

1 RANDOLPH L. HOWARD (Nev. SBN 006688)
rhoward@klnevada.com
2 KOLESAR & LEATHAM, CHTD.
400 South Rampart Boulevard, Suite 400
3 Las Vegas, NV 89145
Telephone: (702) 362-7800
4 Direct: (702) 889-7752
Facsimile: (702) 362-9472
5

6 GARY OWEN CARIS (Cal. SBN 088918)
gcaris@mckennalong.com
7 LESLEY ANNE HAWES (Cal. SBN 117101)
lhawes@mckennalong.com
MCKENNA LONG & ALDRIDGE LLP
8 300 South Grand Avenue, 14th Floor
Los Angeles, CA 90071-3124
9 Telephone: (213) 688-1000
Facsimile: (213) 243-6330
10

11 Attorneys for Receiver
ROBB EVANS OF ROBB EVANS & ASSOCIATES
LLC
12

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

16 FEDERAL TRADE COMMISSION,

17 Plaintiff,

18 v.

19 JEREMY JOHNSON, individually, as officer
20 of Defendants I Works, Inc., etc., et al.,

21 Defendants.

Case No. 2:10-CV-02203-MMD-GWF

22
[PROPOSED] ORDER (1) APPROVING
AND AUTHORIZING PAYMENT OF
RECEIVER'S AND PROFESSIONALS'
FEES AND EXPENSES FROM
FEBRUARY 1, 2012 THROUGH MAY 31,
2012; AND (2) GRANTING RELIEF
FROM LOCAL RULE 66-5
PERTAINING TO NOTICE TO
CREDITORS

23
The matter of the Motion for Order (1) Approving and Authorizing Payment of Receiver's
24 and Professionals' Fees and Expenses from February 1, 2012 Through May 31, 2012; and (2)
25 Granting Relief from Local Rule 66-5 Pertaining to Notice to Creditors (Doc. No. 688) ("Fee
26 Motion") filed by Robb Evans of Robb Evans & Associates LLC ("Receiver"), the Receiver
27 pursuant to the Court's Preliminary Injunction Order issued February 10, 2011, came on regularly
28

1 before the Court for determination. The Court, having reviewed and considered the Fee Motion
2 and all pleadings and papers filed in support thereof, and the Response to the Fee Motion filed by
3 Plaintiff Federal Trade Commission (Doc. No. 715) ("FTC Response"), and no other responses to
4 the Fee Motion having been filed, and good cause appearing therefor,

5 IT IS ORDERED that:

6 1. The Fee Motion is granted subject to the terms and provisions of this Order;
7 2. The fees of the Receiver, his deputies, agents and staff in the sum of \$263,821.46
8 and Receiver's expenses in the sum of \$14,167.57 incurred for the four-month period from
9 February 1, 2012 through May 31, 2012 ("Expense Period") are hereby approved and authorized
10 to be paid from assets of the receivership estate;

11 3. The Receiver's legal fees and costs incurred during the Expense Period for the
12 services of the following professionals are approved in the following amounts and authorized to
13 be paid from assets of the receivership estate:

14 A. As to the Receiver's lead counsel McKenna Long & Aldridge LLP, fees in the sum
15 of \$375,232.75 representing the fees requested for the McKenna Firm in the Fee Motion less
16 \$2,000.00 pursuant to the FTC Response, and costs in the sum of \$38,484.16, for total fees and
17 costs to the McKenna Firm of \$413,716.91;

18 B. Fees and expenses of the Receiver's local counsel in Nevada, Kolesar & Leatham,
19 Chtd., in the sum of \$891.90; and

20 C. Fees and expenses of the Receiver's special litigation counsel in Utah, Law
21 Offices of Hatch, James & Dodge, A Professional Corporation, in the sum of \$2,905.96; and

22 4. Notice of the Fee Motion is hereby deemed sufficient based on the service of the
23 notice of the filing of the Fee Motion and the Fee Motion on all parties and service of the notice
24 of the filing of the Fee Motion on all known non-consumer creditors of the estate.

25
26 Dated: March 11, 2013
27
28



MIRIAM M. DU MIRANDA M. DU
United States District Court Judge

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 South Grand Avenue, 14th Floor, Los Angeles, CA 90071.

On November 19, 2012, I served the [PROPOSED] ORDER (1) APPROVING AND AUTHORIZING PAYMENT OF RECEIVER'S AND PROFESSIONALS' FEES AND EXPENSES FROM FEBRUARY 1, 2012 THROUGH MAY 31, 2012; AND (2) GRANTING RELIEF FROM LOCAL RULE 66-5 PERTAINING TO NOTICE TO CREDITORS upon the parties and/or counsel listed and by the methods indicated on the attached Service List.

I declare upon the penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on November 19, 2012 at Los Angeles, California.

/s/ Christina Berzaman
Christina Berzaman

SERVICE LIST

The following CM/ECF participants were served by electronic means on November 19,

2012:

| | |
|-----------------------|---|
| John Christian Barlow | federalcourt@johnchristianbarlow.com, morgan.skinner@kcsg.com |
| Jared C. Bennett | jared.bennett@usdoj.gov, valerie.maxwell@usdoj.gov |
| Theodore J. Besen | tjblaw64@gmail.com |
| Alan D Boyack | alandboyack@yahoo.com |
| Edward D. Boyack | sherri@edblaw.net |
| Joseph R. Brooke | jbrooke@ftc.gov |
| Linda M. Bullen | lbulen@lionelsawyer.com; cjensen@snowjensen.com; RKillpack@snowjensen.com; vlsnow@snowjensen.com |
| Gary Owen Caris | gcaris@mckennalong.com |
| Teresa Chen | tchen@ftc.gov |
| Andrew B. Clawson | abc@princeyeates.com |
| Brett D. Ekins | bekins@joneswaldo.com; lcheney@joneswaldo.com |
| Nathan K. Fisher | taylorn@dixontruman.com |
| Jared Green | jared.green@mccormickbarstow.com, tammy.deja@mccormickbarstow.com |
| Collot Guerard | cguerard@ftc.gov; lgreisman@ftc.gov; dsaklsburg@ftc.gov; rtyndall@ftc.gov; cguerard@comcast.net |
| Lesley Anne Hawes | lhawes@mckennalong.com |
| Randolph L. Howard | rhoward@klnevada.com, ckishi@klnevada.com, usdistrict@klnevada.com |
| Joni A. Jamison | jaj@morrislawgroup.com; pac@morrislawgroup.com |
| Jeremy D. Johnson | royalorangecat@gmail.com; documentcollection02203@gmail.com; ncrane@stirba.com |
| Janice Kopec | jkopec@ftc.gov |
| Matthew R. Lewis | mlewis@rqn.com |
| Michael C. O'Brien | mobrien@vancott.com |
| Adriana Pereyra | adriana.pereyra@lawyer.com |
| Jessica G. Peterson | jpeterson@djplaw.com, khughes@djplaw.com |
| Michael R. Shaw | mshaw@joneswaldo.com; smoen@joneswaldo.com |
| Reza Sina | reza@sinalawgroup.com; brothbard@roadrunner.com |
| Michael D. Stanger | mstanger@cnmlaw.com, sandrasamayo@cnmlaw.com |
| Michael P. Studebaker | mike@studebakerlaw.com |
| Jeannette F. Swent | jeannette.swent@usdoj.gov |
| Michael F. Thomson | mftnotice@djplaw.com; mmontoya@djplaw.com |

1 Troy A. Wallin twallin@wallinharrison.com; jthayn@wallinharrison;
2 Dotan Weinman slewis@wallinharrison.com; abowler@wallinharrison.com
3 Loren E. Weiss dweinman@ftc.gov
4 Blaine T. Welsh lweiss@rqn.com; rfrodente@rqn.com; docket@rqn.com
5 blaine.welsh@usdoj.gov; sue.knight@usdoj.gov;
eunice.jones@usdoj.gov; doriayn.olivarra@usdoj.gov;
mary.booker@usdoj.gov

6 The following non-CM/ECF participants was served by electronic mail on November 5,
7 2012:
8 Sharla Johnson jsajohnson@mac.com

9 The following non-CM/ECF participants were served by first-class mail, postage prepaid
10 on November 19, 2012:

11 Ryan Riddle Andy Johnson
446 East 1410 South 3641 Vista View Circle
Washington, UT 84780 Santa Clara, UT 84765

12 Loyd Johnston Scott Muir
2988 Kings Court Lane 618 Draper Heights Way
Washington, UT 84780 Draper, UT 84020

13 Kevin Pilon Bryce Payne
1975 East 1060 North 2399 East Bella Rosa Circle
St. George, UT 84770 St. George, UT 84780

14 Jason Vowell
491 North Bluff Street
St. George, UT 84770

15 **SPECIAL NOTICE PARTIES -- MAIL**

16 Sharla Johnson
529 Woods View Circle
St. George, UT 84770

Aaron D. Randall
Hughes, Thompson, Randall & Mellen, P.C.
187 North 100 West
Saint George, UT 84770

17 N. George Daines, Esq.
Registered Agent and Corporate Counsel
Cache Valley Bank
108 North Main
Logan, UT 84321

Jen Geiger
FDIC
25 Jessie Street, Suite 1400
San Francisco, CA 94105

18 Sam Taylor
FDIC
1601 Bryan Street
Dallas, TX 75201

Rod Rodriguez
FDIC
1601 Bryan Street
Dallas, TX 75201

1 Nathan A. Crane
2 Jeffrey D. Mann
3 Stirba & Associates
4 215 South State Street, Suite 750
5 P.O. Box 810
6 Salt Lake City, CA 84110-0810

7 Christopher Childs
8 Lionel, Sawyer & Collins
9 300 S. Fourth Street, Suite 1700
10 Las Vegas, NV 89101

11 Nathan A. Crane
12 Jeffrey D. Mann
13 Stirba & Associates
14 215 South State Street, Suite 750
15 P.O. Box 810
16 Salt Lake City, CA 84110-0810

James W. McConkie III, Esq.
Prince, Yeates & Geldzahler
175 East 400 South, Suite 900
Salt Lake City, UT 84111

Curtis M. Jensen
V. Lowry Snow
Snow Jensen & Reece
912 West 1600 South, Ste. B200
St. George, UT 84770

V. Lowry Snow
Jonathan P. Wentz
Snow Jensen & Reece
912 West 1600 South, Suite B200
St. George, CA 84770